



Attorney Docket No.: 67471-074
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Yuuichi INABA, et al. : Customer No. 53080
Application No.: 10/536,962 : Confirmation No.: 6377
Filed: April 6, 2006 : Group Art Unit: 2892
For: SOLID-STATE IMAGING DEVICE, MANUFACTURING METHOD OF : Examiner: ELIAS ULLAH
SOLID-STATE IMAGING DEVICE, AND CAMERA EMPLOYING SAME

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed December 16, 2008, having a shortened statutory period for response set to expire January 16, 2009, wherein the Examiner required restriction between the following distinct Species:

- Group A - Claims 2, 5-10, 18-25 and 28, (apparently represented in Fig. 3 in the second embodiment); and
- Group B - Claim 4, (apparently represented in Figs. 13A-13E in the seventh embodiment).

Applicants elect Group A, with claims 2, 5-10, 18-25 and 28 readable thereon, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional

Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: _____

1/15/09

By: _____



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